

# Notice of Allowability

Application No.

10/796,948

Examiner

Tiffany A. Fetzner

Applicant(s)

WITHERS, RICHARD S.

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/5/2007.
2. ☒ The allowed claim(s) is/are Amended Claims 1-34 of the April 5<sup>th</sup> 2007 Amendment.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's <del>Amendment</del> Comment         |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

**Examiner's Comment**

**Drawings**

1. The drawing correction to figure 1 submitted April 5<sup>th</sup> 2007 is approved by the examiner.

The following is an examiner's statement of **Reasons for Allowance**:

2. With respect to **independent claims 1 and 22-24** of the April 5<sup>th</sup> 2007 amendment and response: these claims are considered to be allowable over the prior art of record because the prior art of record neither discloses nor suggests an MRI magnetic resonance RF resonator / or a field coil for an NMR spectrometer as set forth in **Amended independent Claims 1, 22, 23** and amended method of **making** an MRI magnetic resonance RF resonator as set forth in amended **claim 24**, because the prior art of record fails to teach suggest or show:

---A magnetic resonance radio frequency resonator that generates a radio frequency magnetic field in an active sample volume the magnetic resonance radio frequency resonator comprising:

a dielectric substrate and

a conductive material deposited on the dielectric substrate and forming a plurality of nested current carrying loops each of which has magnetic field generating elements and interdigital capacitor elements the current carrying loops forming a substantially closed geometric path surrounding an inner region that lies adjacent to the active sample volume wherein **the magnetic field generating elements form part of the closed geometrical path and** substantially all of the interdigital capacitor elements **are in a region outside the closed geometric path and** are oriented in a direction substantially parallel to the orientation of the magnetic field generating elements.---

3. It is the additional feature of **"the magnetic field generating elements forming part of the closed geometrical path"** with **"substantially all of the interdigital capacitor elements"** being located **"in a region outside the closed geometric path and"** being **"oriented in a direction substantially parallel to the orientation of the magnetic field generating elements"**; which in combination with the remaining

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limitations of each of the amended independent claims makes these claims novel over the prior art of record. It is the entire combination of the claim limitations taken as a whole that constitutes both the novelty and non-obviousness of applicant's claims. The prior art of record fail to teach the magnetic field generating elements form part of the closed geometrical path" with "substantially all of the interdigital capacitor elements" being located "in a region outside the closed geometric path and" being "oriented in a direction substantially parallel to the orientation of the magnetic field generating elements."

4. With respect to dependent **Claims 2-21, and 25-34**, these claims are considered to be allowable over the prior art of record, because the each depend from an allowable independent claim.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### **Prior Art made of Record**

6. The **prior art made of record** and not relied upon is considered pertinent to applicant's disclosure.

**A) Marek** US patent application publication **2002/0190715 A1** published December 19<sup>th</sup> 2002, filed **April 10<sup>th</sup> 2002**.

**B) Marek** US patent **6,727,700 B2** issued April 27<sup>th</sup> 2004, filed April 10<sup>th</sup> 2002, which corresponds to the **Marek** US patent application publication **2002/0190715 A1** published December 19<sup>th</sup> 2002, filed **April 10<sup>th</sup> 2002**.

#### **Conclusion**

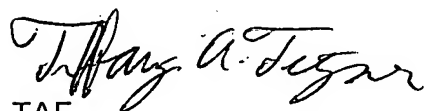
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tiffany Fetzner whose telephone number is: (571) 272-2241. The examiner can normally be reached on Monday-Thursday from 7:00am to 4:30pm., and on alternate Friday's from 7:00am to 3:30pm.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez, can be reached at (571) 272-2245. The **only official fax**

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**phone number** for the organization where this application or proceeding is assigned is **(571) 273-8300**.

9. Information regarding the status of an application may be obtained from the Patent Application information Retrieval (PAIR) system Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PMR only. For more information about the PMR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PMR system contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TAF

June 22, 2007

Technology Center 2800



**Diego Gutierrez**  
**Supervisory Patent Examiner**  
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